

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

David A. and Evlynn Householder

(b) County of Residence of First Listed Plaintiff **Los Angeles**
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
 BMZ Law, P.C. Stephen S. Snook, Esq.
 20 S. Wayne Street
 Lewistown, PA 17044 (717) 242-3400

DEFENDANTS

Gerard Streett and Sudanos Produce, LLC

County of Residence of First Listed Defendant
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Title 28 U.S.C Section 1332 (Diversity)

Brief description of cause:

Plaintiff was rear ended by driver, Gerard Streett, employee of Sudanos Produce, in the scope of his employment.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 1/25/19 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA

DAVID A. HOUSEHOLDER and
EVLYNNE HOUSEHOLDER, husband
and wife
4174 Commonwealth Avenue
Culver City, CA 90232
Plaintiffs

vs.

GERARD A. STREETT
4351 Norrisville Road
Apartment 5
White Hall, MD 21161-9305

and

SUDANOS PRODUCE LLC, a Maryland
Corporation having its principle business
Address as 7460 Conowingo Avenue,
Unit 16-28 Jessup, MD 20794

Defendants

No.

TYPE OF PLEADING:
COMPLAINT

TYPE OF CASE: **CIVIL**

FILED ON BEHALF OF:
PLAINTIFFS

COUNSEL OF RECORD FOR
THIS PARTY:

STEPHEN S. SNOOK, ESQUIRE
I.D. NO. 37077
BMZ LAW, P.C.
20 S. WAYNE STREET
LEWISTOWN, PA 17044
(717) 242-3400

3. Defendant, Sudanos Produce LLC, is a Maryland corporation whose home office is located at 7460 Conowingo Avenue, Unit 16-28, Jessup, Maryland 20794.

4. At all times relevant hereto, Defendant, Sudanos Produce LLC, is a Maryland business corporation and was in the business of delivering produce.

5. At all times material hereto, Defendant, Sudanos Produce LLC, was trading and doing business in the State of Pennsylvania.

6. On or about January 30, 2017 at or about 12:52 p.m. as Plaintiffs were stopped for traffic on US Route 322 East approximately .5 miles West of the intersection of said Route and PA 443, in their rented 2016 Nissan automobile, and were struck from behind by a 2005 Freightliner truck model number M2 112 bearing VIN number 1FUJC5CV45HN71928 bearing Maryland license plate registration 763F15, then and there operated by Defendant, Gerard A. Streett, as set forth above.

7. Plaintiff, David A. Householder, sustained serious, painful and perhaps permanent injuries as a result of the aforesaid collision more particularly described here and after.

COUNT I – PLAINTIFF, DAVID A. HOUSEHOLDER, V. GERARD A. STRETT
NEGLIGENCE

8. Plaintiffs hereby incorporate by reference all averments contained in the preceding paragraphs, as though the same were fully and severally set forth at length herein.

9. The injuries and damages to Plaintiff David A. Householder were the direct, proximate and foreseeable result of the negligence, carelessness or recklessness of Defendant, Gerard A. Streett, at all times material hereto an agent, servant and or employee of Defendant Sudanos Produce LLC, acting within the scope of his aforesaid employment, including the following:

- a. in negligently and improperly following too closely;
- b. in driving at a speed that was too great to allow him to stop within the assured clear distance ahead;
- c. in failing to pay attention to the traffic in front of him at the point and place aforesaid;
- d. in failing to observe and stop safely behind the line of cars directly in front of his vehicle.

10. As a result of the negligence, carelessness and recklessness of Defendant, Gerard A. Streett as set forth above, Plaintiff, David A. Householder, has suffered damages as set forth herein.

11. Plaintiff, David A. Householder, has suffered painful, severe and permanent injuries which including but not limited to severe back pain radiating down through both legs and feet caused by new disc injuries and/or the aggravation of a prior spinal fusion.

12. By reason of the aforesaid injuries sustained by Plaintiff, David A. Householder, he was forced to incur liability for medical treatments, medication, hospitalizations and similar miscellaneous expenses in an effort to restore himself to health, and claim is made therefor.

13. Because of the nature of his injuries, Plaintiff, David A. Householder, has been advised, and therefor avers that he may be forced to incur similar expenses in the future, and claim is made therefor.

14. As a result of the aforementioned injuries, Plaintiff, David A. Householder, has undergone, and in the future will undergo, great physical and mental suffering, great inconvenience in carrying out his daily activities, loss of life's pleasures and enjoyment, and claim is made therefor.

15. As a result of the aforementioned injuries, Plaintiff, David A. Householder, has been, and in the future will be, subject to great humiliation and embarrassment, and claim is made therefor.

16. As a result of the aforementioned injuries, Plaintiff, David A. Householder, has sustained work loss, loss of opportunity and a permanent diminution of his earning power and capacity, and claim is made therefor.

17. As a result of the aforementioned injuries, Plaintiff, David A. Householder, has sustained uncompensated work loss, and claim is made therefor.

18. Plaintiff, David A. Householder, continues to be plagued by persistent pain and limitation and therefor avers that his injuries may be of a permanent nature, causing residual problems for the remainder of his lifetime, and claim is made therefor.

WHEREFORE, Plaintiff, David A. Householder, demands damages against Defendant Gerard A. Streett in an amount in excess of \$75,000, plus costs of suit awarded and interest.

COUNT II – PLAINTIFF, DAVID A. HOUSEHOLDER, V. SUDANOS PRODUCE LLC
RESPONDEAT SUPERIOR

19. Plaintiffs hereby incorporate by reference all averments contained in the preceding paragraphs, as though the same were fully and severally set forth at length herein.

20. At all times material hereto, Defendant, Sudanos Produce LLC, was the principle, master and/or employer of Defendant, Gerard A. Streett, the agent, servant, and/or employee, and said Defendant Streett was at all times material hereto acting within the scope of such agency, servancy, and/or employment.

WHEREFORE, Plaintiff, David A. Householder, demands damages against Defendant

SudanOs Produce LLC in an amount in excess of \$75,000, plus costs of suit awarded and interest.

COUNT III – PLAINTIFF, EVLYNNE HOUSEHOLDER, V. GERARD A. STRETT
LOSS OF CONSORTIUM

21. Plaintiffs hereby incorporate by reference all averments contained in the preceding paragraphs, as though the same were fully and severally set forth at length herein.

22. As a result of the aforementioned injuries sustained by her husband, Plaintiff, Evlynne Householder has been, and may in the future be, deprived of the care, companionship, consortium and society of her husband, all of which will be to her great detriment, and claim is made therefor.

WHEREFORE, Plaintiff, Evlynne Householder, demands damages against Defendant, Gerard A. Strett, in an amount in excess of \$75,000, plus costs of suit awarded and interest.

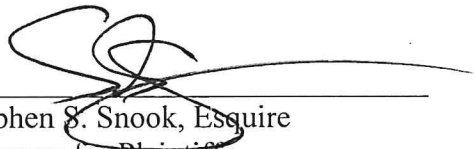
COUNT IV – PLAINTIFF, EVLYNNE HOUSEHOLDER V. SUDANOS PRODUCE LLC
LOSS OF CONSORTIUM

23. Plaintiffs hereby incorporate by reference all averments contained in the preceding paragraphs, as though the same were fully and severally set forth at length herein.

24. As a result of the aforementioned injuries sustained by her husband, Plaintiff, Evlynne Householder, has been, and may in the future be, deprived of the care, companionship, consortium and society of her husband, all of which will be to her great detriment, and claim is made therefor.

WHEREFORE, Plaintiff, Evlynn Householder, demands damages against Defendant, Bergstrom, Inc. in an amount in excess of \$75,000, plus costs of suit awarded and interest.

BMZ LAW, P.C.

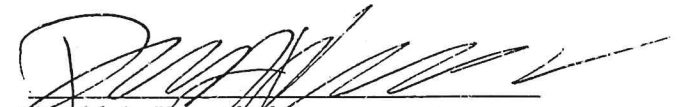
By: 
Stephen S. Snook, Esquire
Attorney for Plaintiffs
20 S. Wayne Street
Lewistown, PA 17044
(717) 242-3400
Supreme Court I.D. 37077


DATED: 

VERIFICATION

We hereby affirm that the following facts are true and correct:

We are the Plaintiffs in the foregoing action; the attached Complaint is based upon information which has been furnished to counsel and information which has been gathered by counsel in the preparation of the prosecution of this lawsuit. The language of the Complaint is that of counsel and not of us. We have read the Complaint and to the extent that the same is based upon information which we have given to counsel, it is true and correct to the best of our knowledge, information and belief. To the extent that the content of the Complaint is that of counsel, we have relied upon counsel in making this verification. We hereby acknowledge that the facts set forth in the Complaint are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.


David A. Householder


Evlynn Householder

DATED: 1/25/19